

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Name: BENNETT DAVID
(Last) (First)FILED
MAY 11 2015
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAPrisoner Number: CDCR # V90090Institutional Address: SALINAS VALLEY STATE PRISON
SOLEDAD, CALIFORNIA # 93960-1050

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

(PR)

WHA

DAVID BENNETT
(Enter your full name.)

CV } 15 2114

vs.

Case No. _____
(Leave blank; to be provided by Clerk of Court)FRANK MORENO - (OWNER 420 LIFESTYLES)
ANDREW DUNN - (Employee checks & cash)COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C. § 1983

(Enter the full name(s) of the defendant(s) in this action.)

I. Exhaustion of Administrative Remedies.

Note: You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.

A. Place of present confinement SALINAS VALLEY STATE PRISONB. Is there a grievance procedure in this institution? YES ☒ NO ☐C. If so, did you present the facts in your complaint for review through the grievance procedure? YES ☐ NO ☒

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.

1. Informal appeal: BECAUSE ITS A CIVIL SUIT PERTAINING
TO AN INDIVIDUALS NOT IN CUSTODY WHO VIOLATED
MY CONSTITUTIONAL RIGHTS UNDER CIVIL RIGHTS ACT

42 U.S.C. § 1983

2. First formal level: SEE line 24; page 1
Section D & page 2; section F

3. Second formal level: SEE line 24; page 1
Section D & page 2; section F

4. Third formal level: SEE line 24; page 1
Section D & page 2; section F

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ☒ NO ☐

F. If you did not present your claim for review through the grievance procedure, explain why.

because my civil suit is AGAINST someone other
than California Department of Corrections
and Rehabilitation.

II. Parties.

A. Write your name and present address. Do the same for additional plaintiffs, if any.

DAVID BENNETT - SALINAS VALLEY STATE PRISON
P.O. Box # 1050
SOLEDAD, CALIFORNIA # 93960-1050

B. For each defendant, provide full name, official position and place of employment.

FRANK MORENO - OWNER 420 LIFESTYLES - LOCATED
AT 2345 WINCHESTER BLVD
Suite #E

CAMPELL, CALIFORNIA #95008

ANDREW DUNN - Employee CHECKS 2CASH
2345 WINCHESTER BLVD Suite #B
CAMPELL, CALIFORNIA #95008

III. Statement of Claim.

State briefly the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

On 3-2-2011 the police illegally obtained evidence from Frank Moreno owner of 420 lifestyles, by turning over evidence with out A warrant. I am now mentally suffering from what Frank Moreno did; he clearly violated my 4th Amendment by turning such evidence over the police department without a proper warrant. On September 17th 1787 the United States Constitution was established to protect all men and women from illegal violation of the law, in Article (1) section (5) of the United States Constitution, it clearly states, A
(CONTINUED: SEE ATTACHED)

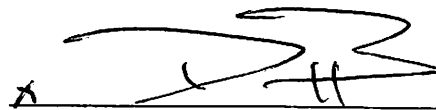
IV. Relief.

Your complaint must include a request for specific relief. State briefly exactly what you want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

I SEEK up to \$1,500 Hundred per day of my INCARCERATION that I had to spend UNLAWFULLY in prison; plus 3 million dollars "punitive DAMAGES" I HAVE SUFFERED A GREAT DEAL "MENTALLY" due to
(PG ADD ON)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Signed this ___ day of April, 20 15



(Plaintiff's signature)

Please continue to the next page.

MAGISTRATE JUDGE JURISDICTION

Please indicate below by checking **one** of the two boxes whether you choose to consent or decline to consent to magistrate judge jurisdiction in this matter. Sign this form below your selection.



Consent to Magistrate Judge Jurisdiction

In accordance with the provisions of 28 U.S.C. § 636(c), I voluntarily **consent** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment.

OR

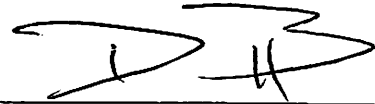


Decline Magistrate Judge Jurisdiction

In accordance with the provisions of 28 U.S.C. § 636(c), I **decline** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment.

Signed this ___ day of April, 2015

x



(Plaintiff's signature)

STATE OF CLAIM

1 ON THAT Sameday ON March 2nd
2 OR Around that day At A business called (Checks
3 too CASH); located At 3245 Winchester Blvd
4 Suite # B, Campbell, CA; A Andrew Dunn AN
5 Employee of Checks 2 CASH, Did intentionally and
6 RACIALLY turn over an Application and OR video
7 with my personal information, without A warrant
8 violating MY 4th Amendment, to the Santa Clara
9 police Department. Andrew Dunn RACIALLY pick
10 my Application the ONLY black man and told
11 the police its him, out of all Applicants that
12 were done that day, he Andrew Dunn with
13 NO Respect to the law violated MY 4th Amend-
14 ment; As A citizen of the United States MR!
15 Andrew Dunn, shouldnt of violated MY rights he
16 should of know better. You cant close your
17 blinders to the constitution, it is cut and
18 dry and if one violates the constitution he
19 should be held liable for his Actions.

20 I AM A United States Citizen and
21 payed MY taxes up until the date of this
22 incident, I WAS A construction worker, sense
23 that tragic day, I now suffer from severe
24 (PTSD); and severe depression; Im now
25 under Medication and Mental Health care
26 due to MR: Andrew DUNNS and FRANK MORENO's
27 Actions AGAINST me; I Always believed in



STATE OF CLAIM

1 individual has A Right to privacy of his
 2 or her property without illegal Search and
 3 seizure, it clearly states one must have probable
 4 cause or a warrant from an appointed judge
 5 appointed by the people and there wasnt a
 6 warrant or probable cause, in saying that
 7 you will see that Frank Moreno of 420
 8 lifestyles turned over private and confidential
 9 paperwork and or video, that he shouldnt
 10 of turned over; in doing that he clearly violated
 11 my 4th Amendment, he maliciously turn over privated
 12 documents; when he did that FRANK MORENO WAS
 13 proved to be sued. I DAVID BENNETT HAVE THE
 14 Right to privacy AS A UNITED STATES Citizen.

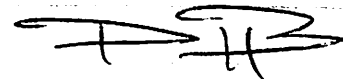
15 IN OR AROUND MARCH 2nd 2011; FRANK
 16 MORENO DID HAVE A CONVERSATION WITH SANTA
 17 CLARA police Department and at that time he
 18 illegally turned over evidence, "private information"
 19 OR "documentation" without a proper warrant, which
 20 by doing so on that date did intentionally
 21 violated my Constitutional Rights- the right to
 22 Search -n- Seizure without a warrant, and by
 23 doing so I WAS Arrested and Convicted for
 24 A crime, that wasnt even me. I NOW Suffer
 25 because of MR: MORENOs illegal Actions, I
 26 suffer mentally and physically From the Actions
 27 of that day.



STATE OF CLAIM

1 our Justice System, now I belief its for
2 All Men and Women As long AS YAR NOT
3 BLACK:
4

5 EVERYTHING written in this Complaint
6 IS TRUE and correct to the best of my
7 Knowledge.
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DAVID BENNETT
CDCR # V90090

SALINAS VALLEY STATE PRISON
P.O. Box 1050
SCELEDA, CA 93960-1050

Relief Continued

1
2 MR: MORENO and MR: DUNNS ACTIONS. I AM
3 protected By the 4th Amendment of the
4 UNITED STATES Constitution; and by them
5 INTENTIONALLY violating MY Rights AS A
6 CITIZEN, I NOW sit IN PRISON for A CRIME
7 I didnt committ. I suffer everyday with
8 depression and Mental Illness, ALSO ABUSE
9 By CALIFORNIA DEPARTMENT OF CORRECTIONS. STAFF
10 I ASK THE HONORABLE COURT TO
11 AWARD Such damages to me because of
12 what has happen and how I suffer. If it
13 WASNT for the intentional ACTIONS of MR: DUNN
14 and MR: MORENO; I wouldnt be where I AM
15 today. Im A REASONABLE MAN and will settle
16 for something REASONABLE AS well AS both
17 individuals must Admit they violated my
18 Rights and Broke the LAW.
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David Bennett # V90090
Salinas Valley State Prison
P.O. Box 1050 A4-118
Soledad, CA 93960

RECEIVED

MAY 07 2015

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LEGAL MAIL

PRO Sec Office of the clerk
Northern District Court

New 450 Golden Gate Ave
San Francisco, CA 94102

MAIL

LEGAL MAIL

LEGAL MAIL

9-15 01 DS for DM DMC

